

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend independent claims 1, 19, 35, 36, 47, 51, 53, 55, 57, 59, 61, and 62.
2. Respectfully traverse all prior art rejections.
3. Petition for a Three Month Extension of Time.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 2, 4, 5, 7-9 and 12-15, 17-19, 22, 23, 25, 31-33, 36-37, 39-42, 47, 49 and 50 stand rejected under 35 USC 103(a) as being anticipated by U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al and further in view of U.S. Patent 6,640,214 to Nanbudiri et al and still further in view of U.S. Patent 5,696,366 to Ziarno. Claim 10 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al and further in view of U.S. Patent 6,199,753 to Tracy et al, further in view of U.S. Patent 5,696,366 to Ziarno and still further in view of U.S. Patent 6,157,005 to Lu. Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al, further in view of U.S. Patent 5,696,366 to Ziarno, further in view of U.S. Patent 6,199,753 to Tracy et al and still further in view of U.S. Patent 4,673,932 to Ekchain et al. Claim 35 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al and further in view of U.S. Patent 6,199,753 to Tracy et al and still further in view of U.S. Patent 5,696,366 to Ziarno. Claims 16, 28 and 34 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to

Kumagai et al and further in view of U.S. Patent 5,696,366 to Ziarno. Claims 21, 24 and 26 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al, further in view of U.S. Patent 5,696,366 to Ziarno and still further in view of U.S. Patent 5,397,882 to Van Solt. Claims 29, 30, 44-46, 48, 51, 53, 55, 57, 59, 61 and 62 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,468,942 to Oosterveen et al in view of U.S. Patent 6,164,546 to Kumagai et al and further in view of U.S. Patent 6,640,214 to Nambudiri et al and still further in view of U.S. Patent 5,696,366 to Ziarno.

All independent claims have been amended to recite, e.g., that the second or lower aperture of the compartment has a size which allows discharge of undesired objects from the compartment.

For reasons including those articulated below, the amended independent claim are deemed novel and non obvious over the applied prior art.

Oosterveen discloses a compartment 40 having, at the bottom thereof, a wall wherein a hole is formed to allow a lug 41 to project into the compartment. This hole is fully occupied by the lug 41. No free passage is shown around Oosterveen lug 41. The size of the Oosterveen hole is the minimum size which is necessary to let the lug 41 to pass through. Therefore, the size of the hole does not allow objects accidentally inserted into the compartment to be discharged.

Oosterveen thus does not teach or suggest a lower aperture for discharging objects from the inside of the compartment 40. More importantly, Oosterveen does not require this lower aperture. Indeed, the bottom part of the compartment of Oosterveen is so shallow that possible undesired objects can be removed from the compartment by hand.

Thus, the person skilled in the art would not have had any hint to provide the compartment of Oosterveen with a lower aperture for allowing possible undesired objects which to be discharged from the compartment.

Nor does Kumagai teach or suggest a lower aperture having a size which allows undesired objects to be discharged from the compartment. As a matter of fact, a person skilled in the dispensing art would not have been motivated to consider Kumagai because Kumagai does not relate at all to dispensing devices. Rather, Kumagai discloses a single holder 2 for a reader 1 which is intended to an individual use. This single holder is never disclosed as being part of a dispensing device, and more importantly such holder is not suitable to be integrated into a dispensing device as for example that of Oosterveen. Indeed Kumagai discloses a reader 2 provided with a cable 3. This reader is not suitable to be used in a dispensing device because dispensing devices require wireless readers which must be transportable by the users, often far away from the dispenser.

While figures 13a-13c of Kumagai appear to show a reader with no cable, it is clear that the holder 2 and the reader 1 of figure 13a are those of figure 1 and that the cable 3 has not been drawn only to make the drawing easier. Never does Kumagai hint or suggest that the reader of figures 13a-13c is a wireless reader.

In any case, Kumagai does not teach or suggest a lower aperture for discharging objects from the inside of the holder 2. Analogously to Oosterveen, the holder of Kumagai is so shallow that possible undesired objects can be removed from the compartment by hand. Thus, a person skilled in the art would not have been motivated to provide the holder of Kumagai with an aperture for allowing possible undesired objects to be discharged from the holder.

In view of the above, Kumagai would neither be considered nor used by the person skilled in the art of the dispensing device in combination with Oosterveen. Accordingly, for these and other reasons, all independent claims are deemed patentable over the applied prior art.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100